

**REMARKS**

Claims 1, 2, 4, 5, 7-9, 11 and 12 are pending in this application. By this Amendment, claims 1, 5 and 9 are amended, claims 3, 6 and 10 are canceled and claim 12 is added. No new matter is added. Claims 1 and 12 include features from claim 3, claim 5 includes the features of claim 6 and claim 9 includes the features of claim 10.

The specification has been objected to for allegedly having a non-descriptive title. The title has been changed to "Fuel Cell System Having Off-Gas Impurity Removal." Withdrawal of this objection is respectfully requested.

Claims 5 and 9 stand rejected under 35 U.S.C. §112, second paragraph, as alleged to be indefinite with respect to the expression "predetermined condition." This rejection is now moot in view of the amendment of claims 5 and 9 to include the features of claims 6 and 10, respectively, that define this term.

Claims 1 and 3-11 stand rejected under 35 U.S.C. §102(b) over Yamamoto, JP-A-09-213353. This rejection is respectfully traversed.

Claim 1 recites, in pertinent part, an off-gas circulating means disposed in the hydrogen supply path to suck and discharge the off-gas caused by utilizing entrainment caused by the main stream of hydrogen ejected from a nozzle, and an off-gas circulation amount detecting means that calculates the circulation amount of the off-gas based on a pressure difference between a suction side and a discharge side of the off-gas circulating means and on the hydrogen amount in the main stream of hydrogen. Yamamoto fails to teach or suggest the use of a pressure difference between a suction side and a discharge side of the off-gas circulating means to calculate the circulation amount of the off-gas. Yamamoto discloses that the flow amount of the recirculating gas is adjusted so as to hold a delivery pressure of the ejector pump to a prescribed value. Because Yamamoto fails to teach all

features of claim 1, withdrawal of the §102(b) rejection of claim 1 and its dependent claims is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. §103(a) over Yamamoto in view of Kimahara, U.S. Patent Application Publication No. 2003/0180599. This rejection is respectfully traversed.

The combination of Yamamoto and Kimahara also fails to teach or suggest the use of a pressure difference between a suction side and a discharge side of the off-gas circulating means to calculate the circulation amount of the off-gas. Kimahara discloses pressure sensors on the suction 18 and discharge sides 6 of the hydrogen supply flowpath. Kimahara does not teach or suggest the measurement of the pressure on the suction side of the off-gas circulating means. Moreover, there is no motivation to do so because Kimahara's system uses the hydrogen ejector 10 to provide recirculation gas through the ejector to the fuel cell only during low-load operations. Once a predetermined load is achieved, a hydrogen bypass valve is opened to provide hydrogen directly to the fuel cell to bypass the ejector and bypass providing recirculation gas to the fuel cell. As such, there is no need to measure the amount of the recirculation gas. Because the combination of Yamamoto and Kimahara fails to teach or suggest all features of claim 2, withdrawal of the §103(a) rejection is respectfully requested.

With respect to the provisional double patenting rejections, Applicants request that the rejections be withdrawn without Applicant filing a Terminal Disclaimer because the present application has the earliest filing date. See MPEP 804, part I, B.1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 4, 5, 7-9, 11 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Enclosure:

Petition for Extension of Time

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